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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,806	12/28/2001	Alistair Goudie	WIRO:014US/JJB	6956
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JOHN BRUCKNER, P.C. 5708 BACK BAY LANE AUSTIN, TX 78739			EXAMINER FERNANDES, CHERYL M	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N° 10/032,806	Applicant(s) GOUDIE ET AL.	
	Examiner Cheryl M Fernandes	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed September 20, 2004. Claims 1-5 are presented for examination. Claims 1, 2, 4, and 5 have been amended.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second latest read pointer, latest write pointer, and committed write pointer must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Objections withdrawn due to the amendment.

Claim Rejections - 35 USC § 112

4. Rejections withdrawn due to the amendment.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Number 5,016,221 issued to Hamstra.

Referring to claim 1, Hamstra discloses:

A method of managing data stored in a queue in memory (FIFO memory configuration, see Abstract¹), the method comprising:

- reading data from a head of the queue² ('committed binary information' is read, Figure 3E element 50 in col. 8, lines 47-49);
- updating the location of a latest read pointer ('read pointer', see Figure 3E, element 30) to a location corresponding to the end of the data (col. 8, line 47 to col. 9, line 12 (Figure 3E));
- transferring the data to a destination ('shared data medium', 'optical fiber ring LAN', see Figure 4, element 22; col. 9, lines 39-52; col. 10, lines 8-31); and,
- upon receiving confirmation that the data transfer was successful (col. 10, line 8 to col. 11, line 27), updating the location of a committed read pointer ('commit pointer', Figure 3G, element 32) to a location corresponding to the end of the data (col. 12, lines 8-20).

Referring to claim 2, Hamstra discloses that upon receiving no confirmation or a negative confirmation that the data transfer was successful (col. 9, lines 20-23), the location of the latest read pointer is updated to assume the location of the committed read pointer (col. 9, lines 20-38).

Referring to claim 3, Hamstra discloses storing the latest read pointer location and the committed read pointer location, and using the latest read pointer and the

¹ Examiner asserts that since Hamstra discloses a FIFO memory configuration, he is referring to a

committed read pointer to manage data subsequently read ('registers' store memory address values of the pointers, col. 6, lines 8-39) from a second queue (col. 6, lines 59-65).

Referring to claim 4, Hamstra discloses reading second data from the head of the queue, updating the location of a second latest read pointer to a location corresponding to the end of the second data, and transferring the second data to the destination. Refer to the first 3 limitations of claim 1 addressed above with regard to the above mentioned limitations of claim 4 (see col. 6, line 59- col. 7, line 8 for the presence of the second data).

Referring to claim 4, Hamstra also discloses upon receiving confirmation that the transfer of the second data was successful (col. 10, line 8 to col. 11, line 27; col. 12, lines 3-7), removing the second latest read pointer from the location corresponding to the end of the second data (col. 12, lines 8-20).

Referring to claim 5, Hamstra discloses:

- writing data to a tail of the queue³ ('stored binary information', Figures 3B and 3C, element 50 in col. 7, lines 17-43);

method of managing a queue in memory.

² Examiner asserts that reading data from a FIFO queue is done from the head of the queue.

³ Examiner asserts that writing data to a FIFO queue is done from the tail of the queue.

- updating the location of a latest write pointer ('W-pointer', see Figures 3B and 3C pertaining to element 34) to a location corresponding to the end of the data (col. 7, lines 40-43); and,
- upon receiving confirmation that the received data is correct, updating the location of a committed write pointer ('commit pointer', Figures 3C and 3D, element 32) to a location corresponding to the end of the data (col. 11, line 59 to col. 12, line 7).

Response to Arguments

Applicant's arguments filed September 20, 2004, with respect to claims 1-5, have been fully considered but they are not persuasive.

6. Referring to claim 1, in response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a committed read pointer following a latest read pointer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2163

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Fernandes whose telephone number is (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMF
January 4, 2005



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SUPERVISORY PATENT EXAMINER
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